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Identical letters dated 22 April 2016 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit a letter dated 13 April 2016 from Nkosazana Dlamini-Zuma, Chairperson of the African Union Commission (see annex). The letter forwards the Communiqué of the 588th meeting of the Peace and Security Council of the African Union on the situation in Western Sahara, held in Addis Ababa on 6 April 2016.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 126 (a), and of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 13 April 2016 from the Chairperson of the African Union Commission addressed to the Secretary-General

I am writing to bring to your attention and that of the United Nations Security Council, the Communiqué on the situation in Western Sahara, adopted by the African Union Peace and Security Council at its 588th meeting, held in Addis Ababa on 6 April 2016.

The Peace and Security Council meeting was convened as a follow-up to the decisions on the situation in Western Sahara adopted by the relevant African Union policy organs.

I would like to express my appreciation for your recent mission to Western Sahara and the region. At the same time, I regret that the Moroccan authorities prevented you from visiting Rabat and the headquarters of the United Nations Mission for the Referendum in Western Sahara (MINURSO) in the occupied city of Laayoune, capital of the occupied Western Sahara.

It is against this background that the Peace and Security Council strongly condemned the decision by Morocco to expel 84 international civil servants, including African Union personnel, from MINURSO and to deny you your visit to Rabat and Laayoune. This decision by Morocco constitutes a dangerous precedent by challenging and undermining the mandate of the United Nations Security Council in maintaining international peace and security.

The presence and operation of MINURSO in Western Sahara is pursuant to United Nations Security Council resolution 690 (1991) of 29 April 1991. The action by Morocco in preventing your visit further complicates the current deadlock in the peace process, rekindles tensions in Western Sahara and threatens regional security and stability at a time when the international community is mobilizing to find a solution to the conflict in Western Sahara in accordance with relevant Organization of African Unity/African Union and United Nations Security Council resolutions.

In light of these recent developments, the African Union Peace and Security Council, in its decision, calls upon the United Nations Security Council to fully assume its responsibility in the matter, by acting under Chapter VII, to demand that Morocco annul its decision to expel MINURSO personnel. The Peace and Security Council also urges the United Nations Security Council to reaffirm the full mandate of MINURSO, including the setting of a date for the organization of a referendum on the self-determination of the people of Western Sahara. The Peace and Security Council emphasized the need for the international community to continue to provide support for your ongoing efforts and those of your Personal Envoy, Ambassador Christopher Ross, towards a solution to the conflict in accordance with international legality.

In this respect, I look forward to the renewal of the mandate of MINURSO after the expiry of its current mandate on 30 April 2016, as decided by the Security Council in its resolution 2218 (2015) of 28 April 2015.

I would also like to urge the United Nations Security Council to take the steps necessary to provide MINURSO with a human rights mandate, taking into account

the need to ensure sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps, and request the High Commissioner for Human Rights to take appropriate steps in this respect.

I would therefore appreciate if the enclosed African Union Peace and Security Council Communiqué of its 588th meeting could be circulated as an official document of the United Nations Security Council and of the United Nations General Assembly (see enclosure).

Your assistance in ensuring that my High Representative, Joaquim Chissano, is given the opportunity to address the Security Council during its April 2016 meeting on Western Sahara will also be highly appreciated.

(*Signed*) Nkosazana **Dlamini-Zuma**

Enclosure

Communiqué of the 588th meeting of the African Union Peace and Security Council, held on 6 April 2016

The Peace and Security Council of the African Union, at its 588th meeting held on 6 April 2016, adopted the following decision on the situation in Western Sahara:

Council

1. *Takes note* of the briefing provided by the Commissioner for Peace and Security on the situation in Western Sahara, of the update provided by the Special Envoy of the Chairperson of the Commission for Western Sahara, former President Joaquim Chissano of Mozambique. Council *also takes note* of the statement made by the Minister for African Affairs of the Saharawi Arab Democratic Republic, as well as by the representatives of Senegal, Nigeria, South Africa, Egypt, New Zealand, Spain, France, the United Kingdom, the United States of America, the United Nations and the European Union;

2. *Recalls* its earlier decisions on the situation in Western Sahara, namely Communiqué PSC/PR/COMM/1.(CDXCVI) and Press Statement PSC/PR/COMM.2(DII), adopted at its 496th and 503rd meetings held on 27 March and 30 April 2015, respectively; *also recalls* Communiqué PSC/AHG/COMM.4(DXLVII), adopted at the 547th meeting of the Council, held in New York on 26 September 2015, at the level of Heads of State and Government, in which it urged the United Nations Security Council to fully assume its responsibilities and take all necessary measures to rapidly resolve the Western Sahara conflict and find an effective response to issues related to respect for human rights and the illegal exploitation of natural resources of the Territory;

3. *Further recalls* decision Assembly/AU/Dec.598(XXVI), adopted by the 26th Ordinary Session of the Assembly of the Union, held in Addis Ababa on 30 and 31 January 2016, reiterating the African Union's call for the early resolution of the four-decade long conflict in Western Sahara, in line with international legality, and appealing once again to the United Nations Security Council to fully assume its responsibility in this respect with a view to achieving a fair, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the United Nations principles and purposes, as well as reiterating calls to the United Nations General Assembly regarding the determination of a date for the holding of the self-determination referendum for the people of Western Sahara and protection of the integrity of the Western Sahara as a Non-Self-Governing Territory from any act which may undermine it, including the preservation of its natural resources;

4. *Notes with deep concern* that, in spite of the sustained efforts made, including by the successive Personal Envoys of the United Nations Secretary-General, no progress has been made in the search for an effective solution to the conflict in Western Sahara, which has been in a stalemate for more than four decades;

5. *Commends* the efforts of United Nations Secretary-General, Ban Ki-moon, in the search for a settlement to the conflict in Western Sahara, and *welcomes* his visit undertaken to Western Sahara and the region, from 2 to 7 March 2016. Council *strongly encourages* the United Nations Secretary-General to prevail in his efforts and *reassures* him of the full support of the African Union;

6. *Condemns strongly* the decision by Morocco to expel 84 international civil servants, including African Union personnel, from the United Nations Mission for the Referendum in Western Sahara (MINURSO) and for denying the visit of the United Nations Secretary-General to Rabat and to Laayoune, capital city of occupied Western Sahara and MINURSO headquarters, which constitutes a very dangerous precedent in that it challenges and undermines the mandate of the United Nations Security Council in maintaining international peace and security. In this regard, Council *emphasizes* that the presence and operation of MINURSO in Western Sahara is pursuant to United Nations Security Council resolution 690 (1991) of 29 April 1991. Furthermore, Council *stresses* that the decision by Morocco further complicates the current deadlock in the peace process, rekindles tensions in Western Sahara and threatens regional security at a time when the international community is mobilizing to find a solution to the conflict in Western Sahara in accordance with international legality, including relevant Organization of African Unity/African Union and United Nations Security Council resolutions;

7. *Calls upon* the United Nations Security Council to fully assume its responsibility in the matter, by acting under Chapter VII, to demand that Morocco annul its decision to expel MINURSO personnel. Furthermore, Council *urges* the United Nations Security Council to reaffirm the full mandate of MINURSO, including the organization of the referendum for self-determination of the people of Western Sahara, and *stresses the need* for the international community as a whole to continue to provide support for the ongoing efforts by United Nations Secretary-General, Ban Ki-moon, and his Personal Envoy, Christopher W. S. Ross, towards materializing the solution to the conflict in accordance with international legality;

8. *Looks forward* to the renewal of the mandate of MINURSO at the expiration of its current mandate, on 30 April 2016, as decided by the Security Council in its resolution 2218 (2015) of 28 April 2015. Council *urges* the United Nations Security Council to take the steps necessary to provide MINURSO with a human rights mandate, taking into account the need to ensure sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps. Council *requests* the High Commissioner for Human Rights to take appropriate steps in this respect. Council *further reiterates* its request to the African Commission on Human and Peoples' Rights to undertake, as soon as possible, a mission to Western Sahara and to the refugee camps in Tindouf to assess the human rights situation and make recommendations to Council. In this regard, Council *urges* the Government of Morocco to extend full cooperation to the African Commission on Human and Peoples' Rights, in particular by allowing it to access the Territory;

9. *Notes with deep concern* the acute humanitarian situation in which the people of Western Sahara are living, the violation of human rights and the continuous illegal exploitation of the Territory's natural resources, regardless of the relevant multiple opinions and decisions of the African Union, as well as of international and regional organizations, on the matter;

10. *Commends* the European Union Court of Justice for its recent ruling, issued on 10 December 2015, annulling the trade deal in agricultural and fisheries products, concluded in March 2012, between the Kingdom of Morocco and the European Union, due to its inclusion of Western Sahara, and *calls upon* all concerned to respect the Court's ruling and desist from entering into any agreement that would violate the Saharawi people's permanent sovereignty over their natural resources;

11. *Reiterates* its decision PSC/PR/COMM/1.(CDXCVI), adopted at its 496th meeting held on 27 March 2015, to establish an International Contact Group for Western Sahara, in order to keep the issue on the international agenda and to mobilize the necessary support for the early resolution of the conflict, as well as to reactivate the Ad hoc Committee of Heads of State and Government on the conflict in Western Sahara, established pursuant to resolution AHG/Res.92(XV), adopted at the 15th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Khartoum from 18 to 22 July 1978. Council *renews its call* in this regard to the Chairperson of the Commission to undertake the necessary consultations to this end as well as to urgently undertake the necessary consultations for the finalization of the composition and the operationalization of the Ad hoc Committee;

12. *Also reiterates* paragraph 24 of decision Assembly/AU/Dec.598(XXVI), adopted by the 26th Ordinary Session of the Assembly of the Union, which requests the African members of the United Nations Security Council (A3) to work with the Commission, including the African Union Permanent Observer Mission to the United Nations, to present reports, through the Peace and Security Council, to the Assembly of the Union, on their efforts within the United Nations Security Council and the extent to which they managed to promote African positions as articulated by the Council, and *further requests* the Council to provide timely guidance to the A3 to facilitate consistency in the promotion and defence of African positions on issues of concern to the continent. In this regard, Council *urges* the A3 to comply with the Assembly of the Union and the Council decisions in their activities within the United Nations Security Council;

13. *Also reiterates* the African Union's commitment to continue to work towards the early resolution of the conflict in Western Sahara on the basis of international legality and relevant Organization of African Unity/African Union decisions and to cooperate closely with the United Nations. In this respect, Council *encourages* the Chairperson of the Commission to pursue and intensify her efforts, including through her African Union Special Envoy for Western Sahara, former President Joaquim Chissano of Mozambique, towards effective follow-up of the relevant provisions of the Communiqué. In particular, Council:

(a) *Requests* the African Union Special Envoy for Western Sahara to urgently undertake a consultation mission to the United Nations Secretariat in order to reiterate the African Union position and to be informed of the latest developments with regard to the United Nations engagements to overcome the impasse in the peace process as well as the operational situation of MINURSO, whose mandate expires on 30 April 2016;

(b) *Also requests* the United Nations Security Council and all its members to facilitate the African Union Special Envoy for Western Sahara's mission to New York, including granting to him an audience to address the United Nations Security Council during its forthcoming meeting on Western Sahara;

14. *Looks forward* to its 10th Annual Joint Consultative meeting with the United Nations Security Council, in May 2016, and *stresses* the need to use the opportunity of the meeting to discuss, among others, the issue of Western Sahara;

15. *Also looks forward with great interest* to the holding in Geneva of the Donors' Conference on Saharawi refugees, and *expresses its full support* to the United Nations Secretary-General's efforts aiming to ensure its early organization and success, to meet the needs and expectations of the Saharawi refugees;

16. *Welcomes* the forthcoming Saharawi High-level Solidarity Seminar and Photo Exhibition, to be hosted by the African Union Commission and Oxfam, from 25 to 28 April 2016, at the African Union headquarters, on the theme "40 Faces, 40 Years — A Lifetime in Exile", aimed at highlighting the humanitarian, socioeconomic and human rights tragedy of the Saharawis living in exile, on the occasion of the 40-year anniversary;

17. *Requests* the Chairperson of the Commission to forward the present Communiqué to the two parties, namely the Polisario Front and the Kingdom of Morocco, for their information and action, as appropriate. Council *further requests* the Chairperson of the Commission to transmit the Communiqué to the United Nations Secretary-General and to request that it be circulated as an official United Nations Security Council document for its forthcoming meeting on Western Sahara, as well as to other relevant international stakeholders;

18. *Decides* to remain actively seized of the matter.